

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARK SHAW,	:	CIVIL NO. 1:18-CV-1348
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
SUPERINTENDENT LAUREL	:	
HARRY, JAMES SIMMS,	:	
SHAWNDA SIMMS, MAUREEN	:	
BAUMGARTNER, KEITH	:	
CARBERRY, JENNIFER DIGBY,	:	
JOE FRANCIS, BETH HERB,	:	
RANDY EVANS,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 11th day of January, 2019, upon consideration of plaintiff's proposed amended complaint (Doc. 21), and the court noting that leave to amend should be liberally given "when justice so requires", FED. R. CIV. P. 15(a)(2), and since, as a matter of law, an amended complaint takes the place of the original complaint, effectively invalidating any original complaint, see Palakovic v. Wetzel, 854 F.3d 209, 220 (3d Cir. 2017) ("in general, an amended pleading . . . supersedes the earlier pleading and renders the original pleading a nullity"), and any motion to dismiss challenging the original complaint is now moot, see 6 Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice & Procedure* § 1476 (2d ed. 1990) ("A pleading that has been amended . . . supersedes the pleading it modifies. .

. . Once an amended pleading is interposed, the original pleading no longer performs any function in the case and any subsequent motion made by an opposing party should be directed at the amended pleading”), it is hereby ORDERED that:

1. The motion (Doc. 21) for leave to file an amended complaint is GRANTED.
2. The proposed amended complaint (Doc. 22) is accepted as filed and this matter will proceed on the amended complaint. The Clerk of Court is directed to CORRECT the docket accordingly.
3. The pending motion (Doc. 15) to dismiss the original complaint is DISMISSED as moot, but without prejudice to defendants’ right to renew the motion as to the amended complaint.
4. The Clerk of Court is directed to TERMINATE the Superintendent and Ms. Powell as parties to this action.
5. The Clerk of Court is directed to ADD Superintendent Laurel Harry as a defendant in this action.
6. The Clerk of Court is directed to CORRECT the name of Captain Clifford Simms to Captain James Simms.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania